

AMENDED

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office. OCT 17 1989  
 Returned to applicant for correction. DEC 12 1989  
 Corrected application filed. JAN 23 1990 Map filed JAN 23 1990

The applicant LeGRAND TIMOTHY TERRY and LAUREL M. TERRY, as Joint Tenants  
1407 Ladera Drive of Carson City  
Street and No. or P.O. Box No. City or Town  
Nevada 89701 hereby make... application for permission to change the  
State and Zip Code No.  
Point of Diversion, Place of Use of a Portion, and Manner of Use  
Point of diversion, manner of use, and/or place of use  
 of water heretofore appropriated under Civil Decree of the District Court of the Second  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and  
Judicial District of Nevada dated November 14, 1885, pertaining to  
identify right in Decree.)  
King's Canyon Creek and Gregory Canyon Creek and Ash Canyon Creek.  
Right being transferred is a portion of the Bath and Robinson right  
(Theodore H. and Patricia M. Stokes, transferres from William H. Long).

- The source of water is King's Canyon Creek  
Name of stream, lake, underground spring or other source.
- The amount of water to be changed .25 Acre Feet annually  
Second feet, acre feet. One second foot equals 448.3 gallons per minute.
- The water to be used for Fire Prevention or Fire Fighting Source (see  
remarks).  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for as decreed.  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 23, T.15N., R.19E.,  
Describe as being within a 40-acre subdivision of public survey and by course and  
M.D.B.&M., or at a point from which the NE corner of said Section  
distance to a section corner. If on unsurveyed land, it should be stated.  
23 bears North 43°53'16E East, 1790 feet (Burnaugh property).
- The existing permitted point of diversion is located within NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 23, T.15N.,  
If point of diversion is not changed, do not answer  
R.19E., M.D.B.&M., or at a point from which the NE corner of said  
Section 23 bears North 68°19'47"East., 2621 feet (Stokes property).
- Proposed place of use approximately 2.3 acres in a portion of the NE  $\frac{1}{4}$   
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
NE  $\frac{1}{4}$  Section 23, T.15N, R.19E., M.D.B.&M. (see supporting map).
- Existing place of use approximately 1.9 acres in a portion of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
of Section 23, T.15N., R.19E., M.D.B.&M. (Stokes property). One-  
manner of use of irrigation permit, describe acreage to be removed from irrigation.  
quarter acre from the northwest corner will be removed from irriga-  
tion as indicated on supporting map.
- Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day
- Use was permitted from as decreed to of each year.  
Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
 specifications of your diversion or storage works.) 4" pipe from point of diversion on  
State manner in which water is to be diverted, i.e., diversion structure, ditches,  
Burnaugh property to holding pond; 4" pipe from pond to King's  
pipes and flumes, or drilled well, etc. Canyon Creek.
- Estimated cost of works. \$1,000.00.
- Estimated time required to construct works. one year.

14. Estimated time required to complete the application of water to beneficial use one year.

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water will be used to fill and maintain level in a holding pond measuring 65' x 40' and 4.5' in average depth to fulfill on-site fire prevention water source imposed by Carson city Fire Department and Division of Forestry. There will be no regular consumptive use other than evaporation. The pond would also serve as a fire fighting source on an emergency basis.

s/LeGrand Timothy Terry  
1407 Ladera Drive  
By Carson City, NV 89701

Compared cc/jm bp/se

Protested \_\_\_\_\_

# APPROVAL OF STATE ENGINEER

This is to certify I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is to change the point of diversion, place and manner of use of a portion of the waters of Kings Canyon Creek as heretofore granted under the Civil Decree of the District Court of the Second Judicial District of Nevada dated November 14, 1885, pertaining to Kings Canyon Creek, Gregory Canyon Creek and Ash Canyon Creek. This permit is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is issued to store water in a pond measuring 65 feet by 40 feet by 4.5 feet deep, to be made available for fire protection as required by the Carson City Fire Department and the Nevada Division of Forestry. Under normal conditions there will be no consumptive use, except for approximately 0.25 acre feet per year due to evaporation and other losses.

Substantial measuring devices must be installed and maintained at the point of diversion from the creek and at the point of re-entry back into the creek, downstream from the pond. Flow rate measurements and length of time water is flowing into and out of the pond must be recorded in order to maintain an accurate account of the actual quantity of water used. These records shall be made available to the State Engineer on request.

Diversion of water shall be in accordance with the rotation agreement for the users of Kings Canyon Creek.

The State Engineer reserves the right to regulate the use of the water under this change at any and all times. (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.25 acre x cubic feet per second year.

Work must be prosecuted with reasonable diligence and be completed on or before September 6, 1991.

Proof of completion of work shall be filed before October 6, 1991.

Application of water to beneficial use shall be made on or before September 6, 1993.

Proof of the application of water to beneficial use shall be filed on or before October 6, 1993.

Map in support of proof of beneficial use shall be filed on or before N/A.

Completion of work filed JUL 16 1991 IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E.,

Proof of beneficial use filed SEP 21 1993 State Engineer of Nevada, have hereunto set my hand and the seal of my

Cultural map filed \_\_\_\_\_ office, this 6th day of September,

Certificate No. 13897 Issued JUN 9 1994 A.D. 19 90

*[Signature]*  
State Engineer

(PERMIT TERMS CONTINUED)

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.